

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN OAKLEAF,

Plaintiff,¹

v.

No. 15-cv-0220 RB/SMV

**FNU FRAWNER
and FNU IBRAHIM,**

Defendants.²

ORDER DENYING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

THIS MATTER is before the Court on Plaintiff's Motion for Default Judgment [Doc. 25], filed on December 16, 2015. Plaintiff claims damages totaling \$300,000 and asks that the Court enter judgment in that amount. However, default has not been entered, and Defendants have since filed their Answer on December 17, 2015, [Doc. 26]. Thus, default judgment is not appropriate. *See* Fed. R. Civ. P. 55; *see generally* 42 U.S.C. § 1997e(g) (default judgment is not available in prisoner civil rights actions).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion for Default Judgment [Doc. 25] is **DENIED**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge

¹ Plaintiff identifies as female and prefers the name Julie Marie Oakleaf. [Doc. 1]. Accordingly, the Court will refer to Plaintiff as "she" or "her."

² In her Amended Civil Rights Complaint, Plaintiff changes the spelling of Defendant Imbrahim, *see* [Doc. 1], to Defendant Ibrahim. [Doc. 14]. The caption is amended to reflect the amended spelling.